THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.20359 of 2005

Date:15.09.2005

Md Shameenuddin

--------PETITIONER

Labour Court-III, A.P., Hyderabad and others

---------RESPONDENTS

ORDER:

The petitioner was employed as a Conductor in A.P.S.R.T.C in the year 1971. On 13.06.1997, he was removed from service, on the ground of unauthorised absence. He challenged the same by filing I.D.No.29 of 2004, before the Labour Court-III, at Hyderabad. Through its Award, dated 28.04.2005, the Labour Court had set aside the order of removal and directed that the petitioner shall be entitled for continuity of service, till the date of retirement i.e.,30.06.2005, without back wages and attendant benefits. The petitioner claims to have reported to duty in pursuance of the Award. It is stated that he was referred to hospital for certification of his fitness, and on the Medical Officer holding that he is unfit, he was not taken into service at all. The petitioner submitted a representation, dated 07.07.2005, to the 2nd respondent, with a prayer to extend him, the retirement benefits. His grievance is that no order has been passed thereon.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

The Award passed by the Labour Court is to the effect that the petitioner shall

be retired with effect from 30.06.2005. There was no direction as to reinstatement. Acting on the representation, dated 07.07.2005, submitted by the petitioner, the Regional Manager passed an order, dated 12.07.2005, directing that the petitioner be retired from service of the Corporation on medical grounds with effect from 21.06.2005. The question as to whether such retirement entitles the petitioner to receive any monetary benefits and if so, the extent thereof, needs to be considered at a later stage. The respondents are yet to process the matter in that direction. It is too early for this Court to express opinion on this. However, the respondents cannot keep the matter pending indefinitely.

Hence, the writ petition is disposed of, directing that the respondents shall pass appropriate orders as to the entitlement of the petitioner to receive the retirement benefits in pursuance of the Award of the Labour Court in I.A.No.29 of 2004 and the order passed by the Regional Manager on 12.07.2005, within a period of two months from the date of receipt of a copy of this order. There shall be no order as to costs.

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15.09.2005

Jsu